

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MAHFOOZ AHMAD, :
Plaintiff, :
: ORDER
-against- : 20 Civ. 4507 (AT) (GWG)
: :
COLIN DAY, et al., :
: :
Defendants. :
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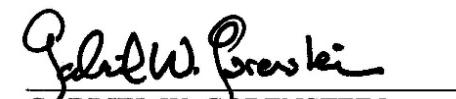
GABRIEL W. GORENSTEIN, United State Magistrate Judge

Plaintiff has filed a motion that he entitles “motion for default judgment.” (Docket # 86) In fact, no motion for a default judgment is permitted unless a party obtains a certificate of default. See Local Civil Rule 55.2(b)(1). We thus construe Docket # 86 as an application for a certificate of default under Local Civil Rule 55.1. While normally, we would refer such an application to the Clerk, that is unnecessary here inasmuch as the document allegedly showing default (Docket # 85) does not if fact show that any response to the Frist Amended Complaint is yet due. Rather, Docket # 85 shows only that Beacon Hill Staffing Group acknowledged receipt of the summons and Frist Amended complaint on November 18, 2021. When service is properly made under Fed. R. Civ. P. 4(d), the deadline to respond is 60 days from the time the request was sent. Fed. R. Civ. P. 4(d)(3). There is no information in the record as to when the request was sent and thus no default can be entered. The docket entry accompanying Docket # 85, indicating that the answer was due on December 9, 2021, is thus incorrect. Thus, any application for a certificate of default is denied.

The Clerk is directed to terminate the motion at Docket # 86.

SO ORDERED.

Dated: December 22, 2021
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge